



April 14, 2014

Chairman Ted W. Lieu  
Senate Business, Professions, and Economic Development Committee  
State Capitol, Room 2053  
Sacramento, CA 95814

**RE: SB 1262 (Correa) – Oppose Unless Amended**

Dear Chairman Lieu,

Americans for Safe Access (ASA), the nation's leading medical cannabis patients' advocacy organization, is encouraged to see that Senator Lou Correa has authored a bill to regulate doctors who recommend medical cannabis and commercial activity in the field. We are also pleased to see that the League of California Cities and the California Police Chiefs Association are sponsoring SB 1262. Having local government and law enforcement at the table is an important milestone for medical cannabis regulation in California.

While we support the goal of the Author and sponsors of better implementing California's medical cannabis law, there are important changes that need to be made to SB 1262 before patients can stand behind the bill. ASA is especially concerned about regulations for physicians that might intimidate them from writing lawful and necessary recommendations for medical cannabis use. We look forward to working with Senator Correa and his colleagues to make these changes as the process moves forward.

I have included a memo from Sebastopol Mayor Robert Jacob, whose city already has an effective regulatory ordinance in place, and ASA. The memo discusses details of changes we would like to see in SB 1262. ASA's priorities for amendments are summarized below.

**Incentives for Local Regulation**

The bill must contain incentives for cities and counties that choose to regulate medical cannabis instead of ban it. This is a priority because research and experience show that sensible regulations for medical cannabis reduce crime and complaints in neighborhoods, while preserving safe and dignified access to medicine for legal patients. These incentives might include an additional share of existing sales tax revenue, funds for the District Attorney's office, or other allocation of funds.

**Regulations for Physicians**

- 1) The requirement in Section 2525(a)(1) that medical cannabis recommendations be made only by primary care physicians or specialists to whom the patient was referred by a primary

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care physician will choke off access to recommendations for legitimate patients. A physician should be allowed to write a recommendation so long as he or she is not restricted from doing so by the California Medical Board.

- 2) The requirements in Sections 2525(b)(1) and 2525(b)(2) requiring doctors to specify the strain of medical cannabis, cannabinoid profile, dosage, and route of administration are problematic. This lies outside the scope of current medical education, and in most cases, experience. Requiring this specificity may also subject the physician to civil liability and leave the physician outside the protections offered by the US Supreme Court in *Connat v. Walters*. These requirements could be replaced with a provision requiring the Department to produce a standard disclosure form to be provided with every medical cannabis recommendation.
- 3) Section 2525.1(a) and 2525.1(b) require mandatory reporting and audits of recommending physicians. This is problematic because it creates a burden for the staff at the Medical Board and jeopardizes patient privacy. Instead, the bill should require physicians to retain all records required by the bill and produce them on demand as part of the existing medical Board complaint/investigation process.

### Cultivation and Distribution

The Sections of the bill requiring certification of physicians (2525.2), acquisition from a Licensed Dispensing Facility (111657.1), and acquisition from a Licensed Cultivation Facility (111657.3(b)) must be effective one year after the effective date of the bill to ensure sufficient time to comply and obtain a license.

We strongly believe that changes like these will help create a bill behind which local government, law enforcement, and patients can all stand.

Thank you,



Don Duncan  
California Director  
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enc. Memo by Sebastopol Mayor Robert Jacob and ASA  
cc. Senator Lou Correa

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